GOVERNMENT OF MYSORE

Labour and Municipal Administration Department (Labour)

Labour Dispute :—Industrial Dispute between the Workmen and the Management of Karnataka Co-operative Textile Mills, Ltd., Hubli.

Award of the Labour Court, Hubli—published.

Read the following papers :

(1) Letter No. R. 24/66-67, dated 19th January 1967, from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

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IN THE LABOUR COURT AT HUBLI.

Dated the 19*th January* 1967.

Reference (ID) (LCH) No. 24 of 1966.

Present

Sri Syed Azizuddin Ahmed, M.A., B.L., Presiding Officer.

Between

The Workmen of Karnataka Co-operative Textile Mills, Ltd., Hubli, represented by the General Secretary, Rashtriya Girani Mazdoor Sangh, Hubli. .. *I Party.*

And

The Management, Karnataka Co-operative Textile Mills. Ltd., Hubli. .. *II Party.*

A notification of the Government of Mysore No. PLM 460, LLD 65, dated 23rd May 1966 notified that an industrial dispute existed between the Workmen and the Management of Karnataka Co-operative Textile Mills, Ltd., Hubli and referred the same for

adjudication to this Court, specifying the following points of dispute :—

"Whether the Management of Karnatak Co-operative Textile Mills, Ltd., Hubli are justified in refusing to take back Sri Lakshman Babu, Fancy Jobber on his original employment from 12th April 1965 ?"

If not to which job he should be taken ?"

2. The cause of the aggrieved workman has been sponsored and espoused by The Rashtriya Girani Mazdoor Sangh, Hubli represented by its General Secretary, Sri M. A. Kutty, represented the I Party while the management is represented by Sri Valamannavar, Advocate. In response to the notices issued by this Court, the I Party filed its Claim Statement, dated 15th June 1966 and the II Party its Counter-Statement dated 4th July 1966.

3. The sum and substance of the Claim Statement is that the aggrieved workman Sri Lakshman Babu was working in the K.C.T. Mills as a Fancy Jobber. He fell ill and was under treatment as E.S.I. patient from 9th November 1963 to 12th April 1965. The management was kept informed of his illness from time to time as per law. After his recovery and discharged from the hospital he approached the management on 12th April 1965 with the fitness certificate and presented himself for work. The management refused to take him back on work. Despite this, he offered himself for work for over 10 days continuously, but to no effect. Even the efforts of the union were of no avail. It was prayed that the aggrieved workman be reinstated in the job with all his back wages from 12th April 1965.

4. The management does not dispute the fact of his being a Fancy Jobber and his being ill. The case of the management is that when Lakshman Babu offered himself for work, he requested that a helper may be given to him. The Managing Director personally inquired into the matter and Lakshman Babu stated that he could not work without a helper. The Managing Director did not agree to this and the workman did not turn up for work. He is neither entitled to be reinstated nor is he entitled to back wages.

5. The point of dispute specified in the order of reference was adopted as an issue in the case. The parties examined one

witness each and closed the case. Four documents were marked as Exs. on behalf of the I Party and an equal number on behalf of the II Party.

FINDINGS

The matter is as plain as a pikestaff. The aggrieved workman deposed that he was discharged from hospital on 12th April 1965 and was given a fitness certificate. He produced the certificate to the factory manager, the latter did not take him on work and asked him to join the next day. He started tantalising him and did not take him on work. He then approached the union authorities. In rebuttal, the factory manager R. Balan, M. W. 1 deposed that ' after presenting himself for work, the aggrieved workman wanted to provided with 1 a light job other than the work of the Fancy Jobber. In the alternative he asked for a helper to be given to him. He put him to the Managing Director. The latter refused to give him a helper. Later he did not come at all to the factory. The point is whether the version of the matter stated by the aggrieved workman is correct on the version given by the factory manager. It is to be borne in mind that the aggrieved workman has an axe to grind against the management while the management has no axe to grind against anybody. The question is how was the management interested in harrassing Lakshman Babu and in depriving him of his job. It is a common ground that he was on leave for a very long time and was undergoing treatment as an E.S.I. patient. While discharging from the hospital, the medical authorities gave him the fitness certifi- the hospital, the medical authorities gave him the medical fitness certificate Ex. M-1. Along with the fitness certificate. he was given the prescription chit Ex. M-2. In this the Medical Officer has stated " He may be advised to take up light work in the factory." Armed with this prescription, Ex. M-2 probably the aggrieved workman felt that the management was bound to give him a light work or in the alternative to provide him with a helper. There seems to be much truth in the deposition of the factory manager that Lakshman Babu asked that a light job other than the Fancy Jobber's job may be given to him and in the alternative a helper. I am fortified in my conclusion from the document Ex. M-4, a letter addressed by the Managing Director of the

II Party to the General Secretary of the I Party union. In it's letter, the Managing Director has informed the General Secretary of the Sangh that Sri Lakshman told him that unless a helper is given to him he will not be able to carry on the normal duties of a Fancy Jobber. There is no reason why the person of the status of a Managing Director should resort to falsehood against one of the factory workers. In spite of this document Ex. M-4, the I Party appears to have been pleading with the managemenat to reinstate him. When the Managing Director expressed his inability either to give him a light work and in the aternative to provide him with a helper the aggrieved workman appears to have abandoned the job. R. Balan has stated that the work of a Fancy Jobber is a heavy job. He has to attend to fancy work of dhoti borders, attend to the dobby repairs on the looms adjust the dobbies with the loom working and overhaul the dobbies at times. Thus, it must be seen that the aggrieved workman who had just recovered from tuberculosis was though physically fit was not in a physical or mental frame of mind to undertake the job of a Fancy Jobber. The management was under no obligation either to give him a helper or to provide him with a light work. Having thus abandoned the job, he appears to have found a good resort in the I Party union to sponsor his cause. The I Party cannot now turn round and say that the workman is prepared to do the job of a Fancy Jobber without the help of an assistant. The aggrieved workman in his deposition has admitted that the weaving department of the factory is closed from 4/5th December 1966. From the material on record, the point of dispute is decided in favour of the II Party.

AWARD

The management of Karnatak Co-operative Textile Mills, Ltd., Hubli are justified in refusing to take back Sri Lakshman Babu, Fancy Jobber on his original employement from 12th April 1965. The question of providing him with an alternative job does not arise. No order as to costs.

Place : HUBLI

Date : 19-1-1967

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

ANNEXURE

Witnesses examined for I Party—

M.W. 1 Laxman Babu

Witnesses examined for II Party—

M.W. 1 R. Balan, son of Rajgopalayyar

Documents marked for I Party—

Exhibts

W-1 Letter dated 20th April 1965 from I Party to II Party.

W-2 Letter dated 27th April 1965 from I Party to II Party.

W-3 Letter dated 4th May 1965 from I Party to A.L.C. Hubli.

M-4 Copy of letter dated 24th April 1965 from II Party Hubli.

Documents marked for II Party—

M-1 Medical Fitness Certificate by E.S.I.C. dated 10th April 1965.

M-2 Prescription chit dated 9th January 1965.

M-3 Letter dated 24th April 1965 from I Party to II Party.

M-4 Copy of letter date 24th April 1965 from II Party I Party.

Place : HUBLI

Date : 19-1-1967

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

ORDER

Bangalore Dated 28th January 1967

S.O. 628.—WHEREAS by State Government Order No. PLM 460 LLD 65 dated 23rd May 1966 the Industrial Dispute between the workmen and the Management of Karnataka Co-operative Textile Mills. Ltd., Hubli was referred to the Labour Court, Hubli for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 460 LLD 65]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT,
Under Secretary.